

HONOLULU, HAWAII TERRITORY, FRIDAY, JULY 23, 1909.

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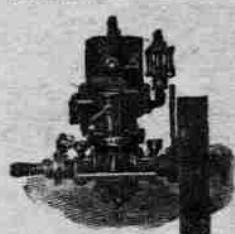
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OFFICE—Nuuanu Street.
WORKS—Kakauo.COL. TOM FITCH ON THE
WAYS OF JURIES AND COURTSThe Veteran Lawyer Offers Some Unique and
Characteristic Views on the Subject of
Judicial Reform.

"The Advertiser's editorial criticism on trial by jury," said Col. Tom Fitch, "is, in my humble opinion, correct. Our judicial system is as much behind the age as traveling by canal boat, or lighting a city with whale oil lamps, or shooting pigeons with flint-lock muskets.

"A suit is brought, for instance, to recover a ranch or a town lot, and the litigant on one side or the other demands a jury trial. Every good citizen who is busy shirks duty as a jurymen. Every intelligent citizen who reads the newspapers forms an opinion and is exasperated. From the residue—which is reasonably certain to contain both fools and knaves, you get twelve merchants, mechanics, laborers, farmers and idlers—for doctors, lawyers, preachers and public officials are ineligible.

"Few of those selected have any training in untangling complicated propositions, weighing evidence, remembering principles of law and logic, and according to each fact its just and relative importance.

"After these twelve men have listened to a muddle of testimony, objections, and speeches, concluded with bewildering instructions, which one-half of them fail to remember and the other half fail to understand, they retire to the jury room and guess out a verdict.

"The losing party appeals, and after wearisome delay the Supreme Court decides that the judge of the lower court blundered, and, without attempting to correct the error by a proper judgment, sends the case back for another trial, another batch of blunders, and another appeal.

"Why not commence at the other end of the puzzle and place the Supreme Court in the jury box? Why not have a preliminary court of three judges in each judicial district to whom the plaintiff must first present his case informally and ex parte, with one or more witnesses by whom he expects to prove the main facts. Any wilful misstatement of a material fact to be perjury, and no arguments allowed, and if the evidence would, if uncontradicted, entitle him to recover, then an order to be issued giving him leave to sue.

"In practice many proposed suits

would not survive such an ordeal, and the saving in time and money would be great.

"When leave to sue was granted the case might be brought under the rules of procedure now existing with a few changes.

"Divide the state or territory into as many judicial districts as necessary and have nine judges for each district. Upon questions of law arising during the trial the judges to pass by a majority vote and in making the final decision, from which there should be no appeal, seven judges to concur.

"I believe that such a system would satisfy people better than the present one. What honest litigant would not prefer to have his rights determined by nine men who were trained to sift truth from error, who were honest and just and without other duties to distract them, rather than by twelve men such as ordinarily find their way into the jury box? The judgment of seven out of nine of such men would be as nearly right as human conclusions can well be, and people would be better satisfied by it, even when they lost than by the guess of twelve men selected under the present system.

"Such a court could easily attend to all cases. No time would be consumed in procuring juries, and much less time than now in objections to testimony. Arguments would be abbreviated and instructions eliminated. In practice most cases would be decided from the bench.

"Such a system would cost the public treasury less than the present one. Many court expenses would be dispensed with. The loser in a case should be compelled to pay all court costs and a reasonable fee, to be fixed by the court, for his opponent's attorney.

"Such a system could not, of course, under the Constitution of the United States, be established for United States courts, and any state seeking to adopt it would probably require to first amend its Constitution.

"Congress might possibly amend the Organic Act of this territory so as to permit of its adoption here. But of this I imagine there is no hope. If anybody here should seriously endeavor to so change our laws as to prevent one jurymen in a criminal case, or four jurymen in a civil case from indulging his prejudices or catering to his asininity by 'hanging' the jury, a howl would go up that he was striking a blow at 'the palladium of our liberties' and outraging the memories of Washington, Jefferson and the Barons of Runnymede.

"Likely, I will be roasted for expressing these views. But who cares? I am 71 years of age, am not a candidate for office, and can therefore afford to indulge the luxury of freeing my mind."

ITALY THANKS AMERICAN
RED CROSS FOR ITS AID

On June 19 the American Red Cross received from the Italian Red Cross a beautiful gold medal and diploma as tokens of appreciation of the assistance rendered by America after the earthquake in Sicily and Calabria.

Cuts of the medal have been published, and below are printed the letter of the President of the Italian Red Cross, transmitting the medal and diploma, and the letter of the President of the American Red Cross in acknowledgment.

Rome, Italy, April 19, 1909.
Illustrations Sir:
In the never-to-be-forgotten calamity by which she was overcome, Italy has found but one solace: It was to feel, to know that the sorrow was universal and that the heart of the world throbbed in unison with hers.

Touching evidence of human solidarity came to us from every part of your glorious Republic, but every burst of charity was outdone by the Red Cross over which you preside, sir, and which assisted her Italian sister with a supreme manifestation of relief.

May you find the medal and diploma we now send you as tokens of our gratitude, of which, however, they are but a modest outward sign, acceptable; more durably than in the metal is our gratefulness engraved in the hearts of the Italians, whose mindful blessings will stand as the sacred heritage of the generations to come.

T. TAVERNA,
President Italian Red Cross.
To the President of the American
Red Cross, Washington, D. C.

Washington, D. C., June 22, 1909.

Sir:
I have received your courteous communication of April 19 last with which you transmit a gold medal and diploma, presented by the Italian National Red Cross, as testimonials of gratitude for the contributions furnished by the latter for the sufferers from the earthquakes in Calabria and Sicily.

As President of the American National Red Cross it affords me great pleasure to accept these testimonials in behalf of the Association, not only be-

cause of their beauty and intrinsic worth, but as tokens of the humanitarian spirit which joins the world in fraternal kinship in times of great distress.

Not less valued than they are the sentiments of generous appreciation on the part of the Italian Red Cross, to which you give expression in your communication.

I beg you to be so good as to convey to the Italian Red Cross the thanks and appreciation of the American Red Cross for their considerate action, and am, Very cordially yours,

WM. H. TAFT,
President American National Red Cross.
Count R. Taverna,
President Italian Red Cross.

PROMOTION WORK
BRINGS RESULTS

By the last mail Secretary H. P. Wood of the Promotion Committee, received two interesting letters, one from New Zealand and one from Australia. Under date of June 18, S. F. Smith writes from Victoria, Australia, as follows:

"Dear Sir: I write to inquire the best way to obtain information necessary for those who propose to visit the Hawaiian group. I have read in our local papers of the existence of your association in connection with the kind reception given by your people to the Australian delegates to the Press Conference now sitting in London, and am therefore prompted to write to you for this information which a party of us intends to utilize next summer if matters form out as we anticipate."

"We are obliged to you for the map 'The Crossroads of the Pacific,' which we have had hung in a prominent place in our front office.

"From the Press News sheet are often reprint many of the very interesting paragraphs that are given about Hawaii and its industries and its sights."

THIS MEANS YOU

IF YOU CONTEMPLATE REFURNISHING YOUR OLD HOME, OR A NEW ONE, WE WOULD BE PLEASED TO HAVE A WORD WITH YOU ON THE SUBJECT. WE CATER TO THE WANTS OF EVERYBODY. WE HAVE FURNISHED MANY OF THE LARGEST AND BEST HOUSES IN THE CITY, BUT WE HAVE FURNISHED MORE OF THE SMALL ONES, AND TO THE SATISFACTION OF THE OCCUPANTS. BECAUSE OUR TERMS AND PRICES ARE WHAT THEY SHOULD BE. WE CARRY FURNITURE IN MANY GRADES AND PRICES, SO THAT THE PERSON OF MODERATE MEANS MAY FURNISH HIS HOME AND HAVE IT LOOK AS WELL AS THE ONE THAT HAS COST MANY TIMES AS MUCH. THIS MEANS THAT WE ARE AFTER THE PEOPLE WHO DO NOT HAVE THE MEANS TO CROWD INTO THEIR HOMES THE HIGHER PRICED GOODS, BUT WHOSE REFINED TASTE IMPELS THEM TOWARD THE MORE EXPENSIVE STYLES. WE CAN SELL YOU A DINING TABLE, FOR INSTANCE, FOR SIXTY DOLLARS, OR ONE THAT LOOKS NEARLY AS WELL FOR SEVEN DOLLARS AND A HALF. OUR BUILDING IS CROWDED FROM CELLAR TO GARRET WITH FURNITURE AND UPHOLSTERY GOODS. WE ARE IN A POSITION TO FILL ANY ORDER THAT MAY BE ENTRUSTED TO US, AND FILL IT TO THE ENTIRE SATISFACTION OF THE PURCHASER. WE HAVE NO COMPETITOR, BECAUSE THERE IS NO STORE IN THE TERRITORY THAT HAS THE STOCK TO COMPARE WITH THIS AND NO DEALER WHO CAN AFFORD TO SELL AS LOW.

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